

REFERENCE TITLE: critical infrastructure; fuel facilities

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2548

Introduced by
Representatives Campbell CH: Crump

AN ACT

AMENDING SECTIONS 41-4271, 41-4272 AND 41-4273, ARIZONA REVISED STATUTES;
RELATING TO CRITICAL INFRASTRUCTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-4271, Arizona Revised Statutes, is amended to
3 read:

4 **41-4271. Definitions**

5 In this article, unless the context otherwise requires:

6 1. "AUTOMATED CRITICAL ASSET MANAGEMENT SYSTEM" MEANS THE CRITICAL
7 INFRASTRUCTURE ASSET MANAGEMENT SYSTEM MAINTAINED BY THE UNITED STATES
8 DEPARTMENT OF HOMELAND SECURITY AND THE ARIZONA COUNTERTERRORISM CENTER IN
9 THE DEPARTMENT OF PUBLIC SAFETY.

10 1. 2. "Critical infrastructure" has the same meaning prescribed in
11 section 41-1801.

12 2. 3. "Fuel facility" means a commercial aviation fuel, petroleum or
13 natural gas BULK STORAGE AND transmission facility OR TERMINAL in this state
14 ~~that is not located on the premises of a commercial airport WITH TWO MILLION~~
15 FIVE HUNDRED THOUSAND OR MORE BARRELS OF STORAGE CAPACITY.

16 Sec. 2. Section 41-4272, Arizona Revised Statutes, is amended to read:

17 **41-4272. Protection of critical infrastructure; fuel facilities**

18 Notwithstanding any other law, on or before October 1 of each year the
19 owners of a fuel facility shall ~~provide a written report to the director~~
20 UPDATE THE AUTOMATED CRITICAL ASSET MANAGEMENT SYSTEM regarding security
21 measures being taken by the operators of the fuel facility and by any other
22 agency or authority of this state or any political subdivision of this state
23 and, to the extent practicable, of any federal entity, to protect the
24 security of the critical infrastructure. The owners of the fuel facility and
25 any other agency or authority of this state or any political subdivision of
26 this state involved in the protection of this critical infrastructure shall
27 coordinate and cooperate in the preparation of the report and shall make a
28 good faith effort to include input from any federal entity involved in the
29 protection of this critical infrastructure. As deemed appropriate by the
30 director, the department may physically inspect the premises and review any
31 audits or reports related to the security of the critical infrastructure,
32 including audits or reports conducted at the request of any other agency or
33 authority of this state or any political subdivision of this state or, to the
34 extent practicable, of any federal entity. The operators of the fuel
35 facility, in compliance with any federal and state requirements regarding the
36 dissemination of this information, shall provide access to the director to
37 the audits or reports regarding critical infrastructure. The exclusive
38 custody and control of the audits and reports remain solely with the
39 operators of the fuel facility.

40 Sec. 3. Section 41-4273, Arizona Revised Statutes, is amended to read:

41 **41-4273. Reporting requirements; confidentiality**

42 A. Before January 1, 2010, and every five years thereafter, the
43 director shall provide a report to the governor, the president of the senate,
44 the speaker of the house of representatives and the operator of a fuel
45 facility listing the director's recommendations to the legislature, the

1 operators of a fuel facility or any appropriate state or federal regulating
2 entity or agency of any additional security measures that are recommended to
3 be implemented, if the director determines the measures are recommended
4 considering among other factors the unique characteristics of each fuel
5 facility.

6 ~~B. Before receiving the report required by subsection A, each
7 recipient of the report shall develop confidentiality protocols, in
8 consultation with the director for the maintenance and use of the report to
9 ensure the confidentiality of the report and all information contained in the
10 report. The confidential protocols are binding on the recipient that issues
11 the protocols and anyone to whom the recipient shows a copy of the report.
12 The report and any information contained or used in its preparation are
13 exempt from and shall not be made available pursuant to title 39, chapter 1,
14 article 2. The director shall also develop protocols for the department
15 related to the maintenance and use of the report to ensure the
16 confidentiality of the report and all information contained in the report.~~
17 THE REPORT REQUIRED BY SUBSECTION A OF THIS SECTION IS SUBJECT TO THE
18 DISCLOSURE GUIDELINES, PROCEDURES AND PENALTIES PRESCRIBED IN SECTIONS
19 41-1803, 41-1804 AND 41-1805. On each report, the director shall prominently
20 display the following statement: "This report may contain information that
21 if disclosed could endanger the life or safety of the public. This report is
22 to be maintained and used in a manner consistent with protocols established
23 to preserve the confidentiality of the information contained in this report
24 in a manner consistent with law."